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Security Council

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Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

Note verbale dated 2 August 2016 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya.

On the instruction of the Government, the Permanent Mission of the Kingdom of the Netherlands to the United Nations has the honour to submit to the Security Council Committee established pursuant to resolution 1970 (2011) the requested report of the Government of the Kingdom of the Netherlands on the implementation of Security Council resolution 1970 (2011) (see annex). The Netherlands understands and appreciates that the present letter and its annex will be circulated as a document of the Security Council.

The Permanent Mission would like to take this opportunity to reaffirm its commitment to providing the Committee with any additional information that the Committee deems necessary or may request.

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Annex to the note verbale dated 2 August 2016 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

Report of the Netherlands on the implementation of Security Council resolution 1970 (2011)

Pursuant to paragraph 25 of Security Council resolution 1970 (2011), the Netherlands has the honour to inform you on the steps taken by the Government to implement the measures imposed by resolution 1970 (2011).

The implementation of United Nations sanctions is an autonomous competence of Aruba, Curaçao, Sint Maarten and the Netherlands, although the Kingdom of the Netherlands remains accountable under international law. Only the Netherlands is a member of the European Union.

States members of the European Union implement the provisions of Security Council resolutions that fall within the scope of the competence of the European Union via the relevant European regulatory acts, comprising Council Regulations, Council Decisions and Common Positions. The Netherlands and the other States members of the European Union have jointly implemented the restrictive measures against Libya imposed by Security Council resolution 1970 (2011).

Council Decision (CFSP) 2015/1333 and Council Regulation (EU) No. 2016/44 transposing resolution 1970 (2011) and subsequent resolutions into European Union law entered into force on 31 July 2015 and 18 January 2016, respectively. Decision 2011/137/CFSP, transposing Security Council resolution 1970 (2011), was repealed by Council Decision 2015/1333 and Council Regulation (EU) No. 2016/44. Decision 2011/137/CFSP, transposing resolution 1970 (2011), was therefore consolidated into Council Decision (CFSP) 2015/1333 and Council Regulation (EU) No. 2016/44. Additional European Union autonomous restrictive measures against certain individuals, as set out in Council Decision 2016/478, were added to Council Decision (CFSP) 2015/1333 and Council Regulation (EU) No. 2016/44. These European Union restrictive measures include additional designations of certain individuals.

These regulations set out the European Union's commitment to implementation of all the measures contained in Security Council resolution 1970 (2011), and provide the basis for European Union-specific implementing measures within the scope of the resolutions.

As soon as the European Regulations were adopted, the Netherlands Minister for Foreign Affairs, in cooperation with the other ministers concerned, laid down the necessary national provisions in secondary legislation, within the framework of the Sanctions Act 1977. Pending the adoption of the European Union regulation and, subsequently, national secondary legislation, the Netherlands implemented its obligations under the Security Council through its existing national legislation and instruments, i.e., border patrol, visa and import/export licences.

The national provision is currently adapted to the latest European Union regulation. Penalization of a violation of the relevant Council decisions and regulations, as mentioned above, is laid down in a sanctions regulation concerning Libya entering into force on 14 March 2011.